

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR
90041(b)**

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Attorneys for Timothy Nester and
Christopher Eckman

In re

National Realty Investment Advisors LLC *et al.*

Debtors.

Case No. 22-14539-JKS

Chapter 11

(Jointly administered)

**SUPPLEMENTAL CERTIFICATION OF TIMOTHY NESTER IN SUPPORT OF MOTION
FOR AN ORDER GRANTING RELIEF FROM THE AUTOMATIC STAY
TO EXERCISE REMEDIES UNDER CONTRACT**

Timothy T. Nester, of full age, certifies as follows:

1. On or about April 27, 2022, myself and my spouse, Christopher Eckman, entered into a real estate sales agreement (“Contract”)¹ with Cherry Street Capital, LLC (“Cherry Street”), which is one of the debtors in this jointly administered Chapter 11 Case (Docket No. 22-14577-JKS). A copy of the Contract is attached to the Motion as Exhibit “A” and incorporated herein by reference.
2. Debtor avers that the Contract required closing by July 15, 2022. This, however is incorrect.
3. The Contract has a hard and specific closing date of June 16, 2022, set forth in Section 4(a)

¹ All capitalized terms not otherwise defined have the meaning set forth in the accompanying Motion.

of the Contract. The Contract specifies that time is of the essence. (Section 5(B)).

4. Section 7 contains the July 15 date, but only in the context of construction delay.

Substantial completion of the property was to occur by June 1, with 15 days thereafter to close. Only if the Property was not substantially completed by that date *due to construction delays not the fault of Seller* (specified in Section 7 (A)(2)) would the settlement date be extended, and then only to a maximum of July 15, 2022.

5. No such construction delays existed. In fact, a Certificate of Occupancy was issued by the City of Philadelphia on November 19, 2021 (a copy of which is attached hereto and incorporated herein by reference).

6. As such, the July 15, 2022 date never came into play, as there were no construction delays, and the hard closing date in the contract was June 16, 2022. The Seller could not transfer title on June 16, 2022, and as such was in breach of the contract.

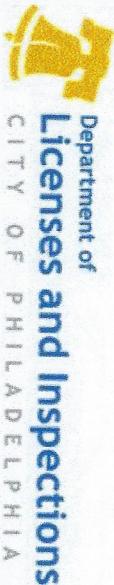
I certify that the foregoing statements are true. I am aware that if the foregoing statements are willfully false, that I am subject to punishment.

DATE: September 26, 2022

/s/ Timothy T. Nester

Timothy T. Nester





Certificate of Occupancy

Permit Number 943943

LOCATION

127 N 23RD ST, Philadelphia, PA 19103-1020
UNIT 10 -FLR 1;U & FLR 2-ROOF:R-3

PERMIT HOLDER

CHERRY STREET CAPITAL 113

OCCUPANCY CLASSIFICATION(S)

R-3, U

LOCATION OF SPRINKLERS

ENT BLDG W/NFPA 13R MIN

TYPE(S) OF CONSTRUCTION

V-B

REVISED BASED ON

Building Code (2009)

LOCATION OF STANDPIPES

None

FIRE ALARM SYSTEM

None

VARIANCE

None

CERTIFICATE OF OCCUPANCY DETAILS

HOUSEHOLD LIVING FOR A SINGLE-FAMILY

DATE OF FINAL APPROVAL

11/19/2021

BUILDING CODE OFFICIAL	PLANS EXAMINER	INSPECTOR	SUPERVISOR
Elizabeth Baldwin		JOHN DABOSE, JR	GARVIN JOWERS

LIMITATION AND CONDITIONS: The Building, or portion thereof named herein, is in conformance with the construction documents approved as part of the above listed Permit Number and is considered in compliance with the Philadelphia Building Construction and Occupancy Code and the PA UCC. The issuance of this CO/permit does not affirm that the subject property is federally compliant with the Americans with Disabilities Act. Owner remains responsible for ensuring property complies with all local, state and federal requirements.



Certificate must be kept on the premises and made available for inspection.